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C O N F I D E N T I A L SECTION 01 OF 03 BOGOTA 005501

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SUBJECT: SCENESETTER FOR ATTORNEY GENERAL ALBERTO R. GONZALES VISIT

Classified By: Charge d'Affairs Milton K. Drucker for reason 1.4(d).

Introduction

1. (U) Embassy warmly welcomes the visit of Attorney General Gonzales. The Colombian government is on our side on fighting terrorism, narcotics trafficking, and money laundering. The visit comes at an important time for our law enforcement and judicial efforts in Colombia. Embassy Bogota has the largest law enforcement/judicial element of any embassy in the world, and law enforcement issues are central to U.S. policy goals in Colombia and to GOC political objectives here. Key issues include:

Counter-drug

2. (C) This is our primary mission in Colombia, the source of more than 80 percent of our assistance funding, and the reason Embassy Bogota is one of the largest in the world with, among other things, some 200 fixed and rotary wing aircraft, a huge DEA presence, and more than fifteen law enforcement agencies at post. The alignment of U.S. policy, Congressional support, and GOC commitment is unprecedented and gives us for the first time the opportunity to test the thesis that we can defeat a major drug threat by taking it head-on. Between seizures and eradication, we set a record in 2004 and prevented about 4865 metric tons of drugs from reaching their destination. We are ahead of fumigation efforts this year, after a record 2004. In May, combined intelligence and law enforcement efforts produced the largest single seizure of drugs anywhere, anytime, more than 15 metric tons.

Extradition

3. (C) Extradition of Colombian nationals for trial outside Colombia generates nationalistic responses, fanned by corrupt influences trying to protect themselves. Nonetheless, under President Uribe, more than 215 Colombian nationals have been extradited to the U.S., a record that dwarfs extraditions from any other country. In 2004 and early 2005, Colombia extradited to the U.S. the most senior FARC terrorists ever captured, and the two most powerful ex-drug lords ever captured. The GOC uses extradition as a tool in negotiating with narco-terrorists. At times, the GOC has asked for more flexibility from the U.S. in individual extradition cases, with mixed results, even though all extraditions are at the discretion of the GOC. The Colombian Supreme Court must approve all extraditions and routinely sets conditions on extraditions to ensure that the U.S. process does not violate Colombian norms. After a U.S. court violated conditions on sentencing and two U.S. attorneys in Florida made public statements appearing to violate these conditions, the Colombian court blocked some 30 extraditions. After receiving assurances from the embassy, and President Uribe's staff, the Court returned to smooth approval of our extradition requests. This is a priority of President Uribe.

Money laundering

4. (C) The embassy has increased investigations against money launderers, with notable successes. Counter-money laundering operations have faced political resistance when they accused well-known public figures, but did not make an explicit tie to drugs or terrorism as in the DEA "White Dollar" operations plea agreements. An extradition request for violation of U.S. banking regulations, without an explicit drug or terror connection will be politically costly. The Colombian banking system, frightened of being identified with corrupt influences, has cooperated fully and is one of our best partners in the hemisphere, as is the government's "Financial Investigations Unit." But a traditional tolerance for informal financial activity complicates this effort.

Counterfeiting

5. (C) Colombia is the largest foreign producer of counterfeit U.S. currency. US Secret Service, in cooperation

with Colombian authorities, has been highly successful in disrupting production of false currency and in seizing it before it reaches the U.S.

Counter-terrorism

16. (C) Drugs in Colombia are inseparable from terrorism. DEA, FBI, ICE, ATF, and Defense Department components plus a number of other agencies are full, active players in a host of investigations which result in trial in the U.S. or in Colombia. Several of our highest level prosecutions have both terror and narcotics aspects. The entire embassy team cooperates to locate the three U.S. hostages held by the FARC for two and a half years.

Judicial reform

17. (C) Perhaps the most revolutionary and durable change in Colombian society is the move, with extensive U.S. support, to an oral accusatory system. DOJ and AID have been active in training judges, prosecutors, defenders, and police in the techniques necessary for unearthing and preservation of evidence, testimony in court, trial conduct, etc. Implementation began early this year in Bogota, the country's largest jurisdiction, and in several others. Success has been overwhelming, and has been so perceived by the legal profession and the population at large. But work must continue to bring the new approach to the rest of the country during the four-year phase-in. Resources are short. This is a priority of the Prosecutor General (Fiscal General).

Proceeds from seizures

18. (C) Colombia continues to believe that it should receive more of the proceeds from joint seizure operations. In the Rodriguez Gacha case, the U.S. delayed paying Colombia its share for more than five years, but received positive press when the payment was made. In the Duer case, the \$20 million proceeds were divided with the UK, but not Colombia. This is a priority of the Minister of Interior and Justice. In a cash strapped Uribe Administration the shared money would be well spent.

Prisons

19. (C) Colombia's efforts to combat drugs and terror predictably have escalated the prison population beyond capacity. Colombia has gone from 51,000 post-trial prisoners to 66,000 prisoners under Uribe. Although we do not share the view, the local UN Human Rights Office used prison overcrowding as the rationale for their characterization of widespread "torture" in Colombia. The Bureau of Prisons rep here continues to work with the Colombians on the problem and new prisons are being built.

Continued clean-up of the Prosecutor General's Office

10. (C) In March 2004, the Prosecutor General agreed to U.S. polygraphing of more than 100 senior prosecutors, a process that continues to go well. But he also agreed to establish an effective, independent internal affairs unit, a process moving forward slowly. U.S.-sponsored human rights units of the Prosecutor General's office are having success in fighting traditional corruption and bringing professional prosecutions to controversial cases.

Anti-kidnapping

11. (C) The embassy runs numerous courses for anti-kidnapping units. In the last several years, the record for safe rescue of kidnap victims has skyrocketed as a result.

VIP Security

12. (C) The U.S. provides training and equipment for the security details of the President, the Vice President, the mayor of Bogota, and several ministers. President Uribe has been the subject of at least fifteen assassination plots. All intelligence and law enforcement agencies cooperate to provide the best protection possible for senior GOC officials.

Possible deliverables

13. (C) Decision that the Patriot Act does not preclude assistance or cooperation with the demobilization-reinsertion program designed to help dismantle terrorist organizations and provide an alternative to a return to violence (like alternative development programs for coca growers). The U.S.

has expressed support for the program. At present, the GOC and U.S. businesses are cooperating with the program; failure to approve such cooperation would imply both that those businesses, and the GOC, are in violation of U.S. law. Embassy has more than US\$1.25 million available for assistance right away.

-- Affirmation of U.S. intention to adhere to Colombian court conditions on extradition. This could include a decision to use administrative measures to reduce life sentence of Alex Restrepo, in violation of Colombian conditionality, to a maximum of forty years.

-- Affirmation of intention to divide proceeds of fines and asset forfeitures with Colombia where the defendant is Colombian or Colombia has made a major contribution to a successful U.S. prosecution.

DRUCKER